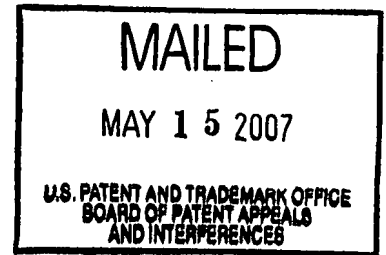


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARCUS W. MAY,
DANIEL P. MULLIGAN,
and MATTHEW BRADY HENSON

Application 10/603,640



ORDER RETURNING UNDOCKETING APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on April 9, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

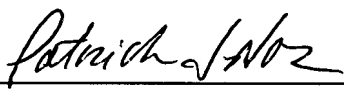
On July 6, 2006, an Examiner Answer was entered into the record. In the Evidence Relied Upon section, page no. 2, paragraph 8, the Examiner has stated only "Urbano et al., US Pat No. 6,592,521 and Choudhury, US Pat No. 6,169,669.", were relied upon. However, a review of the file reveals that references to Barker et al. 3,609,504 and Patel 5,018,148 were applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the Examiner's Answer.

Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) §1207.02. Appropriate correction is required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner to:

- 1) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/kis

CC: GARLICK, HARRISON & MARKISON
P. O. BOX 160727
AUSTIN, TX 78716-0727